

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SERGIO A. OSEJO,

Plaintiff,

v.

HURTADO, et al.,

Defendants.

No. 1:21-cv-01178-DAD-EPG (PC)

ORDER DISMISSING CASE DUE TO
PLAINTIFF'S FAILURE TO OBEY COURT
ORDER

Plaintiff Sergio A. Osejo is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On August 9, 2021, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action. (Doc. No. 11.) After no timely objections were filed by plaintiff, this court adopted the findings and recommendations on November 12, 2021. (Doc. No. 15.) Then, on December 6, 2021, plaintiff filed a notice with the court stating that his objections to the findings and recommendations had been lost in the mail. (Doc. No. 16.) In response, the court granted plaintiff 45 days in which to file a motion for reconsideration of the court's November 12, 2021 order. (Doc. No. 17.) On January 24, 2022, plaintiff filed his motion for reconsideration. (Doc. No. 21.) On February 7,

2022, the court issued an order denying plaintiff's motion for reconsideration on the grounds that his arguments were "irrelevant to his previous application to proceed *in forma pauperis*" and directing plaintiff to pay the required filing fee of \$402.00 in full within thirty (30) days of the court's order. (Doc. No. 23.) Plaintiff was warned that failure to pay the filing fee within the allotted time would result in the dismissal of this action. (*Id.* at 3.) Rather than pay the required filing fee, plaintiff filed additional objections on March 2, 2022, in which he repeats the same arguments previously addressed by the court. (Doc. No. 26.)

Plaintiff has not paid the required filing fee and the deadline in which to do so has now passed.

Accordingly,

1. This action is dismissed without prejudice due to plaintiff's failure to obey a court order and to pay the required filing fee; and
2. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 23, 2022


UNITED STATES DISTRICT JUDGE